

FILED: June 10, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-942
(5:07-cr-00308-D-2)

In re: RYAN MERCEDES ROGERS,

Movant.

O R D E R

Ryan Mercedes Rogers, through counsel, has filed a motion pursuant to 28 U.S.C. §§ 2244(b), 2255(h) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. Rogers has made a prima facie showing that the new rule of constitutional law announced in Johnson v. United States, 135 S. Ct. 2551 (2015), and held to apply retroactively to cases on collateral review in Welch v. United States, 136 S. Ct. 1257 (2016), may apply to his case. Accordingly, we grant Rogers authorization to file a second or successive § 2255 motion, thus permitting consideration of the motion by the district court in the first instance. The one-year limitations period under 28 U.S.C. § 2255(f)(3) for filing a § 2255 motion based on the Supreme Court's decision in Johnson expires on June 26, 2016.

Entered at the direction of the panel: Judge King, Judge Shedd, and Judge Wynn.

For the Court

/s/ Patricia S. Connor, Clerk